

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The claims have been amended to address the issues raised on page two of the Official Action. In particular, to Claim 1 has been amended to set forth more clearly that which was intended by the original claim language by reciting the control device in combination with the opening/closing member. In addition, the somewhat awkward wording in the last seven lines of original Claim 1 have been deleted and replaced with more simplified wording. Thus, Claim 1 now recites a control device in combination with an opening/closing member movably provided at an opening portion for opening and closing the opening portion, wherein the control device comprises an actuator for moving the opening/closing member, and an operational switch for commanding the operation of the actuator; with the opening/closing member being controlled to stop or reverse the movement thereof when a resistance force affecting the opening/closing member is increased equal to or greater than a predetermined judgment value during a process for closing the opening portion by the opening/closing member. The predetermined judgment value is changed from a first judgment value to a second judgment value greater than the first judgment value after it is determined that the movement of the opening/closing member is controlled to stop or reverse by predetermined time (e.g., a predetermined number of times) under the condition that the predetermined judgment value is the first judgment value.

The Official Action set forth an anticipatory rejection of independent Claim 1 and dependent Claim 2 based on the disclosure contained in U.S. Patent No.

4,561,691 to *Kawai et al.* This document discloses a safety device for an electromechanical opening and closing mechanism to control the stop or reverse movement of a slide panel 1 when a load applied to the circuit exceeds a certain value. As discussed in *Kawai et al.*, the certain value can be either a first set value or a second set value. The first set value is varied according to the load of the circuit while the second set value is determined based on the position of the slide panel. The slide panel is controlled to stop or reverse its movement if the load of the circuit is higher than either the first set value or the second set value.

However, one way in which the disclosure in *Kawai et al.* is lacking relative to the subject matter recited in Claim 1 is that *Kawai et al.* does not disclose changing a predetermined judgment value from a first judgment value to a second judgment value greater than the first judgment value after it is determined that the movement of the opening/closing member, in the condition that the predetermined judgment value is the first judgment value, has been controlled to stop or reverse a predetermined time (e.g., predetermined number of times). The control device at issue here helps avoid accidental or unintended operation of the safety function while also generally ensuring effectiveness of the safety function even at accidental or unintended operation of the safety function.

It is thus respectfully submitted that the claimed invention at issue here is patentably distinguishable over the disclosure in *Kawai et al.*

The dependent claims are allowable at least by virtue of their dependence upon allowable independent Claim 1. Claims 2 and 3 also set forth further distinguishing features and characteristics of the claimed invention. For example, Claim 2 recites that the opening/closing member is operated at an automatic

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operation mode for closing the opening/closing member with a single operation of the operation switch when the predetermined judgment value is the first judgment value, and the opening/closing member is operated at a manual mode for closing the opening/closing member when the predetermined judgment value is the second judgment value, with the opening/closing member being moved at the manual mode only while the operation switch keeps being pushed. New Claim 3 recites that the second judgment value is returned to the first judgment value after elapse of a predetermined time period following changing the predetermined judgment value to the second judgment value. *Kawai et al.* does not disclose these additional claimed aspects of the present invention.

Early and favorable action with respect to this application is respectfully requested.

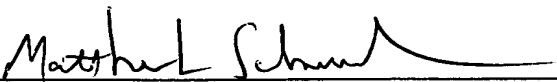
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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